

FILED

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2013 OCT -3 AM 11:58

KENNETH JORDAN, CLERK  
U.S. BANKRUPTCY COURT  
COLUMBUS, OHIO

In re

Joni Lynette Sparks

Debtor(s)

Case No. 09-51328

Judge: PRESTON

Chapter: 7

**MOTION FOR PAYMENT OF UNCLAIMED FUNDS**

Under penalty of perjury, the Movant declares that the following statements and information are true and correct.

1. To the best of the Movant's knowledge, a check in the amount of \$ 5,291.01 was issued to

Capital One (name of original creditor/claimant).

2. To the best of the Movant's knowledge, the funds were tendered by the case trustee to the Bankruptcy Clerk and then to the United States Treasury.

3. The Movant's current address, phone number and social security number (last 4 digits only of social security number or complete EIN) are as follows:

Capital One c/o Valorie Golin

301 West 11th Street, Wilmington, DE 19801

(302) 255-3075

EIN-54-1719851

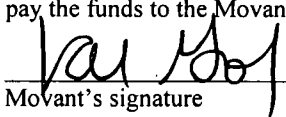
4. The Movant did not receive the check or did not negotiate the check for the following reason(s):

We were unaware that the debtor deposited the funds into the Court

5. Movant represents that he/she is the owner of the funds, or is a legal representative of the owner, and is entitled to receive the funds. (If the movant is other than the owner of the funds, additional requirements pursuant to Local Bankruptcy Rule 3011-1(d) may apply to establish the right of payment of the unclaimed funds.)

6. Movant understands that pursuant to 18 U.S.C. §152, a fine or imprisonment or both may be imposed if he/she knowingly or fraudulently made any false statements in this document.

7. Wherefore, Movant requests an order directing the Clerk to pay the funds to the Movant at the above address.

  
Movant's signature

Valorie Golin  
Movant's printed name

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NOTICE OF MOTION

Valorie Golin has filed a Motion for Payment of Unclaimed Funds with the court.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to the bankruptcy court clerk's office OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

Valorie Golin

Valorie Golin c/o Capital One

301 West 11th Street, Wilmington, DE 19801

and, *(List below the names and addresses of others to be served)*

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Payment of Unclaimed Funds was served on the following by ordinary U.S. Mail on the 1st day of October, 2013.

***Debtor:***

Joni Lynette Sparks  
640 Barn Street  
Pataskala, OH 43062

***Debtor's Attorney:***

Ronald P. Boeckman  
P.O. Box 2312  
Heath, OH 43056

***Case Trustee:***

SusanL. Rhiel  
394 East Town Street  
Columbus, OH 43215

United States Attorney  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215

*Indicate the office that was served:*

☐

United States Trustee (Cincinnati cases)  
36 East Seventh Street, Suite 2030  
Cincinnati, Ohio 45202

☒

United States Trustee (Columbus and Dayton cases)  
170 North High Street, Suite 200  
Columbus, Ohio 43215

  
Movant's signature



**AFFIDAVIT OF AUTHORITY  
FOR RECOVERY OF UNCLAIMED PROPERTY**

**TO WHOM IT MAY CONCERN:**

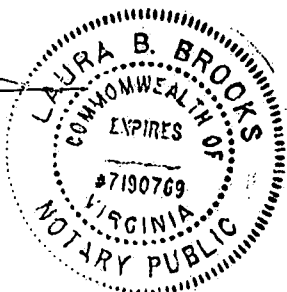
I, Warrenetta Baker, Senior Vice President, and authorized officer of Capital One Financial Corporation and its affiliates (collectively, "Capital One") being first duly sworn, state as follows:

That Valorie Golin, *Director, Shared Services*, is hereby authorized by and on behalf of Capital One to claim and receive all unclaimed property funds of any kind, exclusive of Federal, State, or local jurisdiction related tax payments, currently being held in Capital One's name.

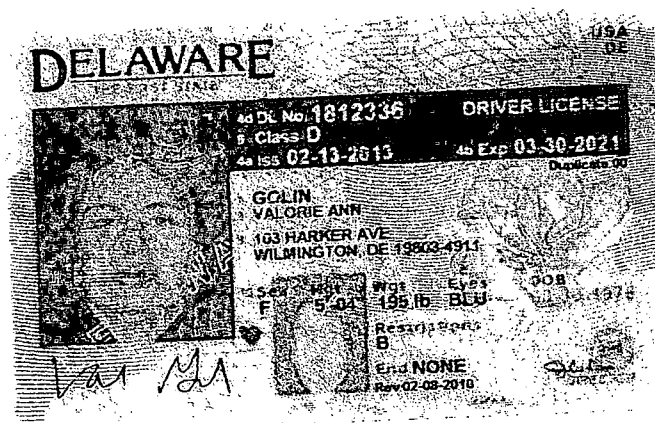
This document shall not be construed as granting a Power of Attorney, under Federal, State, or local jurisdiction tax laws, to Ms. Golin. Ms. Golin is not authorized to receive confidential tax information on behalf Capital One, to represent Capital One in any tax matters before a Federal, State or local taxing authority, to execute any Federal, state or local tax agreements on behalf of Capital One, or to extend the statute of limitations on the assessment or collection of Federal, State or local taxes on behalf of Capital One.

**IN WITNESS WHEREOF**, I have hereto set my hand this 20<sup>th</sup> day of February 2013.

Warrenetta Baker,  
SVP, Chief Counsel – Global Tax  
Chief Tax Officer, Capital One Financial Corporation

  
Notary Public

City / County of Fairfax  
Commonwealth/State of VA  
The foregoing instrument was acknowledged  
before me this 20 day of February  
2013, by Warrenetta C. Baker  
(name of person seeking acknowledgment)  
Notary Public   
My commission expires: 02/29/2016



Capital One Services, LLC  
301 W. 11th St.  
6th Floor  
Wilmington, DE 19801

302.255.3075  
215.882.4163 Cell  
302.255.3980 Fax  
Valorie.Golin@capitalone.com

Valorie (Val) Golin, CPA  
Director - Shared Services  
Accounting